

YAVAPAI COUNTY ATTORNEY'S OFFICE
JEFFREY G. PAUPORE SBN 007769
DEPUTY COUNTY ATTORNEY
255 East Gurley Street
Prescott, AZ 86301
Telephone: 928-771-3344
ycao@co.yavapai.az.us

SUPERIOR COURT
- YAVAPAI COUNTY, ARIZONA
2010 SEP -8 AM 10: 37
JEANNE HICKS, CLERK
BY: B. Chamberlain

IN THE SUPERIOR COURT OF STATE OF ARIZONA

IN AND FOR THE COUNTY OF YAVAPAI

STATE OF ARIZONA,

Plaintiff,

v.

STEVEN CARROLL DEMOCKER,

Defendant.

Cause No. P1300CR20081339

Division 6

STATE'S RESPONSE TO DEFENDANT'S
OBJECTION TO STATE'S MOTION TO
EXTEND TIME FOR ADDITIONAL
DISCLOSURE RE: STATE'S 75th
SUPPLEMENTAL DISCLOSURE DATED
AUGUST 24, 2010

The State of Arizona, by and through Sheila Sullivan Polk, Yavapai County Attorney, and her deputy undersigned, submits its response to Defendant's Objection to the State's Motion to Extend Time for Additional Disclosure re: State's 75th Supplemental Disclosure dated August 24, 2010.

On August 24, 2010, the State disclosed: 1) an anonymous letter received by the Sheriff's Office on August 19, 2010; 2) a YCSO supplemental report associated with the anonymous letter; 3) certified documents from the National Oceanic and Atmospheric Administration (NOAA); 4) uncertified documents from NOAA; and 5) a list of 11 CDs containing recordings of Defendant's jail calls disks provided to Defendant since August 16, 2010.

Office of the Yavapai County Attorney

255 E. Gurley Street, Suite 300

Prescott, AZ 86301

Phone: (928) 771-3344 Facsimile: (928) 771-3110

1 The anonymous letter was received by the County Attorney's Office on August 23,
2 2010. Disclosure of it and the associated supplemental report occurred the next day. The very
3 nature of how this letter came to the attention of the State precluded earlier discovery no matter
4 how much due diligence was exercised. The letter is relevant to facts in this case and should
5 not be precluded under Rule 15.6 of the Arizona Rules of Criminal Procedure. Defendant's
6 hearsay objection puzzles the State when one compares defendant's argument to admit the
7 anonymous email. If the anonymous email can be admitted when offered by the defendant,
8 then the State can admitted the anonymous letter. The admissibility standard must be applied
9 equally.
10

11 The certified documents from NOAA were requested at this late date because, in spite
12 of several witnesses' testimony to the contrary, Defendant has made clear his intent to
13 challenge the veracity of the witnesses' statements regarding the rain. The certified documents
14 from NOAA will be used in rebuttal and should not be precluded under the rules.
15

16 This disclosure contained disks of recorded jail conversations since the State's last
17 formal disclosure. The State has not identified any specific conversation from these disks that
18 it will attempt to admit in its case-in-chief and reserves the right to use any of defendant's
19 recorded statements in rebuttal. The State will record all of Defendant's phone calls until this
20 case is closed or Defendant decides to stop talking. The State, out of an overabundance of
21 caution, has and will continue to disclose any and all information received in this case.
22

23 ///

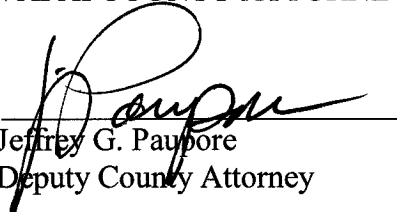
24 ///

25 ///

26 ///

1
2 RESPECTFULLY SUBMITTED this 8th September, 2010.
3

4 Sheila Sullivan Polk
5 YAVAPAI COUNTY ATTORNEY

6
7 By: 
8 Jeffrey G. Paupore
9 Deputy County Attorney

10 COPIES of the foregoing delivered this
11 8th day of September, 2010 to:

12 Honorable Warren Darrow
13 Division 6
14 Yavapai County Superior Court
15 (via email)

16 John Sears
17 511 E. Gurley St.
18 Prescott, AZ 86301
19 Attorney for Defendant
20 (via email)

21 Larry Hammond
22 Anne Chapman
23 Osborn Maledon, P.A.
24 2929 North Central Ave, 21st Floor
25 Phoenix, AZ
26 Attorney for Defendant
(via email)

By: 

Office of the Yavapai County Attorney

255 E. Gurley Street, Suite 300

Prescott, AZ 86301

Phone: (928) 771-3344 Facsimile: (928) 771-3110